

discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each meeting will be made a part of the administrative record.

#### IV. Procedural Determinations

##### *Executive Order 12866*

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

##### *Executive Order 12988*

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and the Federal regulations at 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

##### *National Environmental Policy Act*

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

##### *Paperwork Reduction Act*

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

##### *Regulatory Flexibility Act*

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities

under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal that is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

##### *Unfunded Mandates*

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or the private sector.

##### List of Subjects in 30 CFR Part 936

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 25, 1996.

Deborah Watford,

Acting Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 96-19610 Filed 8-1-96; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[FRL-5545-6]

#### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of Intent to Delete Northwest 58th Landfill Site from the National Priorities List: request for comments.

**SUMMARY:** The Environmental Protection Agency (EPA) Region IV announces its intent to delete the Northwest 58th Street Landfill Site from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. EPA and the State of Florida Department of Environmental Protection

(FDEP) have determined that the Site poses no significant threat to public health or the environment and therefore, further response measures pursuant to CERCLA are not appropriate.

**DATES:** Comments concerning this Site may be submitted on or before: September 3, 1996.

**ADDRESSES:** Comments may be mailed to: Richard D. Green, Acting Director, Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street NE, Atlanta, Georgia 30365.

Comprehensive information on this Site is available through the Region IV public docket, which is available for viewing at the Northwest 58th Street information repositories at two locations. Locations, contacts, phone numbers and viewing hours are:

U.S. EPA Record Center, 345 Courtland Street, NE, Atlanta, Georgia 30365, Phone: (404)347-0506, Hours: 8:00 a.m. to 4:00 p.m., Monday through Friday By Appointment Only  
Metropolitan Dade County, Department of Environmental Resource Management, Hazardous Waste Section, 33 S.W. 2nd Avenue, Suite 800, Miami, Florida 33130, Phone: (305) 372-6804, Hours: 8:00 a.m. to 5:00 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Pamela Scully, U.S. EPA Region IV, Mail Code: WD-SSRB, 345 Courtland Street NE, Atlanta, Georgia 30365, (404)347-2643 x6246.

#### **SUPPLEMENTARY INFORMATION:**

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- I. Introduction
- II. NPL Deletion Criteria
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#### I. Introduction

The EPA Region IV announces its intent to delete the Northwest 58th Street Site, Dade County, Florida, from the NPL, which constitutes Appendix B of the NCP, 40 CFR Part 300, and requests comments on this deletion. EPA identifies sites on the NPL that appear to present a significant risk to public health, welfare, or the environment. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund Trust Fund (Fund). Pursuant to Section 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if conditions at the site warrant such action.

EPA will accept comments concerning this Site for thirty days after publication of this notice in the Federal Register.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses how this Site meets the deletion criteria.

## II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from or recategorized on the NPL where no further response is appropriate. In making this determination, EPA shall consider, in consultation with the state, whether any of the following criteria have been met:

(i) Responsible or other parties have implemented all appropriate response actions required;

(ii) All appropriate Fund-financed responses under CERCLA have been implemented and no further action by responsible parties is appropriate; or

(iii) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

If a site is deleted from the NPL where hazardous substances, pollutants, or contaminants remain at the site above levels that allow for unlimited use and unrestricted exposure, EPA's policy is that a subsequent review of the site will be conducted at least every five years after the initiation of the remedial action at the site to ensure that the site remains protective of public health and the environment. If new information becomes available which indicates a need for further action, EPA may initiate remedial actions. Whenever there is a significant release from a site deleted from the NPL, the site may be restored to the NPL without the application of the Hazardous Ranking System.

## III. Deletion Procedures

EPA will accept and evaluate public comments before making a final decision on deletion. The following procedures were used for the intended deletion of the Site:

1. FDEP has concurred with the deletion decision;

2. Concurrently with this Notice of Intent, a notice has been published in local newspapers and has been distributed to appropriate federal, state and local officials and other interested parties announcing a 30-day public comment period on the proposed deletion from the NPL; and

3. The Region has made all relevant documents available at the information repositories.

The Region will respond to significant comments, if any, submitted during the comment period.

Deletion of the Site from the NPL does not itself create, alter, or revoke any individual rights or obligations. The NPL is designed primarily for informational purposes to assist Agency management.

A deletion occurs when the Regional Administrator places a final notice in the Federal Register. Generally, the NPL will reflect any deletions in the final update following the Notice. Public notices and copies of the Responsiveness Summary, if any, will be made available to local residents by the Regional office.

## IV. Basis for Intended Site Deletion

The following site summary provides the Agency's rationale for the intention to delete this Site from the NPL.

The Northwest 58th Street Landfill is a one square mile site in Northwest Dade County, Florida, near the western perimeters of the Town of Medley and the City of Miami Springs. The Site began operation as an open dump in 1952. Shallow trenches were dug for waste disposal, resulting in deposition of refuse in the saturated zone of the Biscayne Aquifer. The landfill received an estimated one million tons of waste each year during its latter years of operation. In January 1975, a program of providing daily cover was instituted. Initially, this cover consisted of muck and crushed rock, but subsequently, calcium carbonate sludge from the County's water treatment plants was used as cover.

In 1975, the U.S. Geologic Survey completed a study, which defined a migrating groundwater contaminant plume, downgradient of the Site. The study estimated the location of the leading edge of the plume to be one mile east (downgradient) of the landfill. A feasibility study (FS) was completed in January 1976. Six alternatives were considered for remediating ground water contamination at the Site, including: site groundwater recovery, onsite groundwater recovery with deep well injection, containment of contaminants, excavation of the landfill and leachate control measures.

In June 1979, Dade County and the Florida Department of Environmental Protection entered into a Consent Order which required the county to cease accepting waste at the Northwest 58th Street Landfill by August 1, 1981. Dade County continued to operate the landfill until October 1982. Since then, the landfill has received only construction debris, quarry wastes, and water plant sludges; no municipal waste has been

received. In October 1981, the landfill was proposed for the National Priorities List (NPL). The site was placed on the NPL in September 1983.

In 1982 EPA initiated the Biscayne Aquifer Study to determine the effect of three NPL sites on the Biscayne aquifer: The Varsol Spill Site; the Miami Drum Site; and the Northwest 58th Street Landfill. The regional study was not able to define a groundwater plume associated with the site. Rather, a widespread low-to-moderate plume was found throughout most of the study area. A 1986 Endangerment Assessment identified the following as site-related groundwater contaminants of concern: arsenic, chromium, zinc, benzene, chlorobenzene, 1,1,2,2-tetrachloroethane, trichloroethene and vinyl chloride. These contaminants were found in exceedence of existing federal or State of Florida maximum contaminant levels, and were found to be of concern due to their relative mobility, persistence and toxicity.

Based on the USGS study, the 1976 FS, and the Biscayne aquifer study, EPA approved a Record of Decision (ROD) for the Northwest 58th Street Landfill on September 21, 1987. The remedy selected by the ROD was closure of the landfill. The closure was to include leachate control through a combination of stormwater management, grading, drainage control, leachate collection, and capping techniques. These measures were expected to minimize the infiltration of rainwater into the landfill, thus controlling the production of leachate. Methane gas migration and odor controls were also to be implemented. Long-term monitoring of ground water quality and O&M of the landfill closure was also required.

In addition to closure of the landfill, the remedy required that the county provide public drinking water to those residences and businesses located east of the landfill, where it had been determined exposure to ground water contaminated by the landfill caused unacceptable risk.

On April 26, 1988, Dade County signed a Consent Decree with EPA, to implement the remedial actions identified in the ROD. The closure plan was submitted to EPA June 27, 1988. Municipal water was provided to private well users east of the landfill in January 1989. A leachate interceptor trench was installed along the eastern perimeter of the landfill, in an area designated as Zone 1, by April 1989. Construction of the landfill cover system began in August 1991, and construction completion was completed January 1995.

A statutory five-year review of the remedy was conducted in 1993. Because the remedial action was not complete, EPA recommended that another five-year review be conducted by November 22, 1998.

EPA, with concurrence of FDEP, has determined that all appropriate actions at the Northwest 58th Street Landfill Site have been completed, and that no further remedial action is necessary. Therefore, EPA is proposing deletion of the Site from the NPL.

Dated: July 18, 1996.

A. Stanley Meiburg,

Acting Regional Administrator, USEPA  
Region IV.

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### 43 CFR Parts 3600, 3610, and 3620

[WO-420-1050-00-24 1A]

RIN 1004-AC68

#### Mineral Materials Disposal

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The Bureau of Land Management (BLM) proposes to amend the mineral materials sales regulations by accepting qualified certificates of deposits as surety bonds, and by changing bonding requirements for sales of \$2,000 or more. For such sales, the current rule sets the bond amount at \$500 or 20 per cent of the contracted price, whichever is greater. The new rule will be more flexible. The bond will be set at 5 percent of the contract value plus an amount large enough to meet the anticipated reclamation work. The rule still requires \$500 as the minimum amount for the bond. The rule makes the bond amount more realistic and ensures that the amount of bond is adequate to accomplish the projected reclamation work. Other changes simplify certain paragraphs by amending or removing confusing language.

**DATES:** Comments on the proposed rule must be received by September 3, 1996 to be assured of consideration. Comments received or postmarked after this date may not be considered in the preparation of the final rule.

**ADDRESSES:** Comments should be sent to: Director (420), Bureau of Land Management, Room 401 LS, 1849 C

Street NW., Washington, DC 20240, or the Internet address:

WoComment@WO0033wp.wo.blm.gov [For Internet, please include "ATTN: AC68", and your name and return address.] You may also hand deliver comments to the Bureau of Land Management Administrative Record, Room 401, 1620 L Street NW., Washington, DC.

Comments will be available for public review at the L Street address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Dr. Durga N. Rimal, Resource Use and Authorization Team, at (202) 452-0350.

**SUPPLEMENTARY INFORMATION:** The proposed rule would amend 43 CFR Group 3600, subpart 3602, part 3610, and Part 3620 in order to simplify certain paragraphs by amending or removing confusing language. Changes proposed on bonding (§ 3610.1-5) will reduce unnecessary financial burden to some operators, while assuring that the amount of bond required is not less than that projected for the reclamation work. Certificates of deposit issued by Federally insured financial institutions would be acceptable as bonds. Such certificates of deposit would be held by the BLM. Accrued interest would be returned to the purchaser.

The principal author of this proposed rule is Dr. Durga N. Rimal of the Resource Use and Authorization Team, assisted by the Regulatory Management Team, BLM.

BLM has determined that this proposed rule does not constitute a major Federal action significantly affecting the quality of the human environment, and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required. The BLM has determined that this proposed rule is categorically excluded from further environmental review pursuant to 516 Departmental Manual (DM), Chapter 2, Appendix 1, Item 1.10, and that the proposal would not significantly affect the ten criteria for exceptions listed in 516 DM 2, Appendix 2. Pursuant to the Council of Environmental Quality regulations (40 CFR 1508.4) and environmental policies and procedures of the Department of the Interior, "categorical exclusions" means a category of actions which do not individually or cumulatively have a significant effect on the human environment and which have been found to have no such effect in procedures adopted by a Federal agency and for which neither an environmental

assessment nor an environmental impact statement is required.

The proposed rule would have little effect on costs or prices for consumers, nor would there be a need for increasing Federal, State, or local agency budget or personnel requirements. The proposed rule will not have a gross annual effect on the economy of more than \$100 million, nor will it cause major increases in costs or prices for any private or government section of the economy.

The Department has determined under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this rule will not have a significant economic impact on a substantial number of small entities. The BLM issues or manages an estimated 2,500 mineral materials sales contracts per year, valued at \$4.4 million. The percentage of small entities involved in these contracts is unknown. Small entities such as subcontractors and local construction companies as well as larger companies buy mineral materials. The proposal favors no demographic group, imposes no direct or indirect costs on small entities, and does not change the application process and requirements of contract issuance, which do not favor or disfavor small entities.

The Department certifies that this proposed rule does not represent a governmental action capable of interference with constitutionally protected property rights. The rule will result in no taking of private property. As required by Executive Order 12630, the Department of the Interior has determined that the rule will not cause a taking of private property.

BLM has submitted the information collection requirement contained in this rule to the Office of Management and Budget for approval as required by 44 U.S.C. 3501 *et seq.* The collection of this information would not be required until it has been approved by the Office of Management and Budget.

List of Subjects for 43 CFR Parts 3600, 3610, 3620

Government contracts, Public lands-mineral resources, Appraisal, Reporting and recordkeeping requirements, Surety bonds.

Under the authorities of the Materials Act of July 31, 1947, as amended (30 U.S.C. 601, 602), Parts 3600, 3610, and 3620, Group 3600, subchapter C, chapter II, subtitle B, title 43 of the Code of Federal Regulations is proposed to be amended as follows: